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S.C. LEGISLATIVE COUNCIL

VERIFICATION

This certifies that I have reviewed the text of this document and determined
that it conforms to the text submitted by this agency to the Clerk of the State
Register.

1/21/11
Date


Reviewing Officer

Document No. 4137

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

103-331. Customer Deposits.

103-336. Deposit Retention.

Synopsis:

The Public Service Commission of South Carolina (Commission) is amending Regulation 103-331(Customer Deposits) to delete references to "thirty-day" arrears to reflect current billing practices of electric utilities. For example, some electric bills are due within twenty-five days from the date of the bill. Hence, references to "thirty-day" arrears in Regulation 103-331 do not reflect the current billing practices of electrical utilities. Also, Regulation 103-331 is amended to allow an electrical utility to require a deposit from a non-residential customer when such customer or its parent company is experiencing financial difficulties. Also, Regulation 103-331 is amended to make certain grammatical changes.

Regulation 103-336 (Deposit Retention) is amended to delete references to "thirty-day" arrears to reflect current billing practices of electrical utilities. Further, this Regulation is amended to state an electrical utility is not required to refund a deposit if a non-residential customer or its parent company is experiencing financial difficulties.

During a hearing conducted before the Commission regarding the partial waiver of Regulations 103-331 and 103-336, a utility employee witness testified that although a non-residential customer may be paying its electric bill on a regular basis, its financial condition with other customers or suppliers may be rapidly deteriorating and bankruptcy may be imminent. For these type customers, no charges for electric service are made until after the electricity already has been used, and the customer continues to use electricity until or after that bill becomes past due. The utility companies therefore expressed, and the Commission approved, a need for the ability to request a deposit from such non-delinquent non-residential customers, or for similar relief, and to retain the deposit longer than the two-year period provided for in Regulation 103-336, if necessary. Also, utility internal credit risk rating criteria to determine a non-residential customer's credit worthiness and to assess whether a customer should pay a deposit helps the utility avoid losses and subsequent write-offs to uncollectible accounts. In Order No. 2009-770, the Commission found that "providing the State's utilities with the tools to secure customer accounts when a customer is in financial distress benefits the utilities' general body of ratepayers."

The Notice of Drafting regarding these regulations was published on May 28, 2010, in the *State Register*.

Instructions: Print the regulations in accordance with directions given to reflect new amended

regulations.

103-331. Customer Deposits. Print the regulation as below outlined.

103-336. Deposit Retention. Print the regulation as below outlined.

Text:

103-331. Customer Deposits.

A. Each electrical utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

1. The customer's past payment record to an electrical utility shows delinquent payment practice, i.e., customer has had two consecutive ~~thirty-day~~ arrears, or more than two non-consecutive ~~thirty-day~~ arrears in the past twenty-four months, or

2. A new customer cannot demonstrate that he is a satisfactory credit risk by appropriate means including, but not limited to, a letter of good credit from an electrical utility, references which may be quickly and inexpensively checked by the Company or cannot furnish an acceptable cosigner or guarantor on the same system within the State of South Carolina to guarantee payment up to the amount of the maximum deposit, or

3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive ~~thirty-day~~ arrears, or more than two non-consecutive ~~thirty-day~~ arrears in the past twenty-four months, or

4. A customer has had his service terminated for non-payment or fraudulent use, or

5. A non-residential customer or its parent company is experiencing financial difficulties as determined by an electrical utility using its respective internal credit risk rating criteria (even if the customer has not yet defaulted or caused a default on a payment obligation to the utility) and has not negotiated an alternative payment plan designed to mitigate the utility's risk of loss. The electrical utility may use a variety of security options other than the payment of a two-month cash deposit, including but not limited to accelerated payment plans, surety bonds, bank letters of credit or some combination of the above. All electrical utilities engaging in negotiated payment solutions must provide a copy of their respective internal credit risk rating criteria upon request by the Office of Regulatory Staff.

~~B. Each electrical utility shall inform each prospective customer of the provisions contained in this rule.~~

B. If the electrical utility elects to require a deposit under Subsection (A)(5) of this Rule, then the electrical utility shall inform the affected customer of the provisions of this Rule.

103-336. Deposit Retention.

~~Deposit shall be refunded completely with interest after two years unless the customer has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears, in the past twenty-four months.~~

A. Deposit shall be refunded completely with interest after two years unless the customer has had two consecutive arrears, or more than two non-consecutive arrears, in the past twenty-four months.

B. An electrical utility shall not be required to refund the deposit if a non-residential customer or its

parent company is experiencing financial difficulties as determined by an electrical utility using its respective internal credit risk rating criteria and/or if bankruptcy may be imminent, even though the customer continues to make billed payments in timely manner.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Rationale:

The purpose of amending Regulations 103-331 and 103-336 is to update these Regulations to reflect current utility practices. Also, the proposed amendments allow an electrical utility to require a non-residential customer to post a deposit and retain such deposit for longer than two years when this customer is experiencing financial difficulty. An electrical utility's loss is mitigated with this amended provision. There was no scientific or technical basis relied upon in the development of these regulations.

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VERIFICATION

This certifies that I have reviewed the text of this document and determined
that, with the stricken text deleted and the new text incorporated, the text
reads as the agency intends it to read.

1/21/11
Date

Jacoby Boyd
Reviewing Officer

Document No. 4137
PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

103-331. Customer Deposits.
103-336. Deposit Retention.

Synopsis:

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Regulation 103-336 (Deposit Retention) is amended to delete references to "thirty-day" arrears to reflect current billing practices of electrical utilities. Further, this Regulation is amended to state an electrical utility is not required to refund a deposit if a non-residential customer or its parent company is experiencing financial difficulties.

During a hearing conducted before the Commission regarding the partial waiver of Regulations 103-331 and 103-336, a utility employee witness testified that although a non-residential customer may be paying its electric bill on a regular basis, its financial condition with other customers or suppliers may be rapidly deteriorating and bankruptcy may be imminent. For these type customers, no charges for electric service are made until after the electricity already has been used, and the customer continues to use electricity until or after that bill becomes past due. The utility companies therefore expressed, and the Commission approved, a need for the ability to request a deposit from such non-delinquent non-residential customers, or for similar relief, and to retain the deposit longer than the two-year period provided for in Regulation 103-336, if necessary. Also, utility internal credit risk rating criteria to determine a non-residential customer's credit worthiness and to assess whether a customer should pay a deposit helps the utility avoid losses and subsequent write-offs to uncollectible accounts. In Order No. 2009-770, the Commission found that "providing the State's utilities with the tools to secure customer accounts when a customer is in financial distress benefits the utilities' general body of ratepayers."

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1. The customer's past payment record to an electrical utility shows delinquent payment practice, i.e., customer has had two consecutive arrears, or more than two non-consecutive arrears in the past twenty-four months, or

2. A new customer cannot demonstrate that he is a satisfactory credit risk by appropriate means including, but not limited to, a letter of good credit from an electrical utility, references which may be quickly and inexpensively checked by the Company or cannot furnish an acceptable cosigner or guarantor on the same system within the State of South Carolina to guarantee payment up to the amount of the maximum deposit, or

3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive arrears, or more than two non-consecutive arrears in the past twenty-four months, or

4. A customer has had his service terminated for non-payment or fraudulent use, or

5. A non-residential customer or its parent company is experiencing financial difficulties as determined by an electrical utility using its respective internal credit risk rating criteria (even if the customer has not yet defaulted or caused a default on a payment obligation to the utility) and has not negotiated an alternative payment plan designed to mitigate the utility's risk of loss. The electrical utility may use a variety of security options other than the payment of a two-month cash deposit, including but not limited to accelerated payment plans, surety bonds, bank letters of credit or some combination of the above. All electrical utilities engaging in negotiated payment solutions must provide a copy of their respective internal credit risk rating criteria upon request by the Office of Regulatory Staff.

B. If the electrical utility elects to require a deposit under Subsection (A)(5) of this Rule, then the electrical utility shall inform the affected customer of the provisions of this Rule.

103-336. Deposit Retention.

A. Deposit shall be refunded completely with interest after two years unless the customer has had two consecutive arrears, or more than two non-consecutive arrears, in the past twenty-four months.

B. An electrical utility shall not be required to refund the deposit if a non-residential customer or its parent company is experiencing financial difficulties as determined by an electrical utility using its respective internal credit risk rating criteria and/or if bankruptcy may be imminent, even though the customer continues to make billed payments in timely manner.

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